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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,150	04/06/2000	Louis J Pinga	P006 P00252-US	9167

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EXAMINER	
KARMIS, STEFANOS	

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/544,150	PINGA ET AL.	
	Examiner	Art Unit	
	Stefano Karmis	3624	MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is response to Applicant's amendment filed on 25 May 2004.

Withdrawn of Finality

2. Applicant's request for reconsideration of the finality of the rejection of the last Office Action is persuasive and, therefore, the finality of that action is withdrawn.

Summary of Claims

3. Claim 1 is previously presented. Claims 2-23 have been left as originally filed. Claims 24-30 have been cancelled.

Summary of this Office Action

4. Applicant's arguments, filed 25 May 2004, with respect to the rejection(s)of claim(s) 1-23 under Ferguson et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Foodman et al in view of Hardesty et al.

Response to Arguments

5. Applicant's arguments with respect to claim 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foodman et al. (hereinafter Foodman), U.S. 6,547,131 in view of Hardesty et al. (hereinafter Hardesty), U.S. Patent 6,105,865.

Regarding independent claim 1, Foodman teaches a computer-implemented method for a Casino patron betting and rating program, comprising: establishing a casino account via a computer processor, said account for the benefit of a casino patron; making a deposit into said casino account; associating the casino account with a financial account of a casino patron; redeeming said deposits from casino account; and transferring said redeemed deposits into said financial account (column 9, line 39 thru column 10, line 65). Foodman further teaches that casino issued cards are used for tracking by the casino and to provide frequent playing awards based on the number of plays (column 10, lines 47-51). Continuing, the financial accounts taught by Foodman are remote fund repositories, such as any card issuing institution, business or organization where the player has an account (column 7, lines 12-20). Foodman fails to teach that the financial accounts at the casino and at the designated financial institution are investment accounts.

Hardesty teaches a method for funding an investment account comprising a retirement credit card sponsored by a financial institution for use at casinos. By accepting the card in exchange for casino credits, the cardholder receives a percentage rebate to a retirement trust account. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention, to modify the teachings of Foodman and to allow for the financial accounts to be investment accounts as taught by Hardesty because it provides a type of award

incentive which are commonly used by casinos for loyalty. Further, the retirement card operates in the same manner as a credit or debit card as called for in the Foodman system, and therefore the process of utilizing the card in connection with casino gaming equipment is already established and requires the same information for regular financial accounts as well as investment accounts. There is sufficient motivation to combine references, since both Foodman and Hardesty teach financial accounts in operation with casino gambling.

Claim 2, Foodman teaches making a deposit comprises the step of depositing cash into casino account (column 10, lines 1-18).

Claims 3 and 11-13, Hardesty teaches establishing a formula for calculating investment rating points to be awarded to a patron during game play; calculating said investment raring points according to said formula during patron game play; and issuing said calculated investment rating points to said casino account wherein said investment rating points are redeemable on a monetary basis by the patron for transfer into said financial investment account (column 5, lines 42-67).

Claim 4, Foodman teaches issuing said patron an investment rating card that is associated with an casino account of said patron (column 10, lines 28-50).

Claims 5 and 14-16, Hardesty teaches establishing a casino system of investment betting chips; exchanging money for investment betting chips, placing bets with investment betting

chips and redeeming investment betting chips for deposit on a monetary basis into casino investment account (column 5, lines 27-41).

Claim 6 and 17-19, Hardesty teaches establishing a conventional rating account for the benefit of said casino patron; establishing a formula for calculating conventional rating points to be awarded to a patron during game play; calculating said conventional rating pints according to said formula during patron game play; issuing said calculated conventional rating points to said conventional rating account; redeeming at least a portion of said conventional rating points on a predetermined monetary basis for transfer into said investment account (column 5, lines 27-67).

Claims 7-10, Hardesty teaches depositing cash into a casino account (column 5, lines 27-41).

Claim 20 and 21, Hardesty teaches a casino account operated and maintained by the casino. Foodman fails to teach that an investment account is owned and operated by a financial institution. Official Notice is taken that providing an account operated by a financial institution is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Hardesty and have the casino manage the casino investment account because casinos often manage financial accounts relating to fund transfers with casino patrons.

Claims 22 and 23, Hardesty teaches a financial investment account operated and maintained by an independent financial institution. Hardesty fails to teach that the financial investment account is operated by a casino. Official Notice is taken that providing an account operated by a casino is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Hardesty and have the casino manage the financial investment account because casinos often manage financial accounts relating to fund transfers with casino patrons.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
26 July 2004

HANI M. KAZIMI
PRIMARY EXAMINER